The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, the claims have been amended for clarity.

Applicants assert that the above changes are editorial in nature only and do not affect the scope of the claims.

The Examiner has rejected claims 1-16 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,064,380 to Swenson et al.

The Swenson et al. patent discloses bookmark for multi-media content, in which an apparatus arranged to playback a multi-media file, stores the position at which the playing back of the file was stopped thereby enabling a user to return to the stopped position when desired.

As noted in MPEP §2131, it is well founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 claims "An apparatus for recording comprising:

means for receiving a source signal having associated first play time information;

means for generating a recorded signal from the source signal, the recorded signal comprising a recording discontinuity with respect to the source signal; and

means for generating second time information for the recorded signal in response to the first play time information and the recording discontinuity."

The Examiner has indicated that Swenson et al. discloses all of the limitations in independent claims 1 and 13, as well as in the dependent claims, and indicates "column 4 line 62 to column 5 line 24".

Applicants submit that the Examiner is mistaken. In particular, Swenson et al., at col. 4, line 62 to col. 5, line 24, states:

> "If a user clicks on the "Stop Without Saving"
> selection, any video or multimedia file being played
> will be stopped and the program will not save the
> position at which the file was stopped. However, if a
> user click on the "Stop & Save Position" button, the
> file being played will be stopped and the position at
> which the file was stopped will be saved to persistent
> memory such the user's disk drive or in a data file
> associated with the user's browser program and stored
> on the user's hard drive. The position at which the
> multimedia presentation was terminated may also be
> transferred to the server or other persistent memory
> location for storage in persistent memory associated
> with the multimedia file or with other user data. A
> user may also selectively designate a custom name for
> the saved file by inputting in the "Title To Save"
> input area on the display screen. In any case, the
> position in the multimedia file at which the
> presentation was stopped represents the position at
> which a subsequent request to play the particular
> multimedia file will be initiated. The subsequent start
> position may also include a rewind of a predetermined
> or selectable length from the previously terminated
> position in order to refresh the user with the latter
> portion of the previously viewed video or other

multimedia file. The saved "Title", along with other
and previously saved files and file segments, may be
listed in the "Multimedia Files" section of the screen
display as in a typical "bookmark" function. A user may
select one of the multimedia files from the "Multimedia
Files" screen area to initiate the playing of the
selected multimedia file from the previously saved
position at which the file was last terminated."

It should be apparent from the above that Swenson et al.
merely relates to locally storing a position at which the playing
of a multimedia file is stopped to enable resuming of play at the
prior stopped position, or at a position a predetermined amount of
time prior to the prior stopped position at some later time.
Applicants submit that there is no disclosure or suggestion of
"means for generating a recorded signal from the source signal, the
recorded signal comprising a recording discontinuity with respect
to the source signal" and "means for generating second time
information for the recorded signal in response to the first play
time information and the recording discontinuity."

Swenson et al. merely discloses receiving a source signal
having associated time information (col. 5, lines 44-51), and using
that time information to determine and store a stop position.
However, Swenson et al. generating a recorded signal having a
recording discontinuity, nor generating a second time information
for the recorded signal in response to the first time information
and the recording discontinuity.

In view of the above, Applicants believe that the subject
invention, as claimed, is neither anticipated nor rendered obvious
by the prior art, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-16, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by___/Edward W. Goodman/_____
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